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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,276	07/10/2003	Alan J. Wegleitner	TI-35567	2454
23494	7590	11/01/2005		
TEXAS INSTRUMENTS INCORPORATED P O BOX 655474, M/S 3999 DALLAS, TX 75265			EXAMINER GARLAND, STEVEN R	
			ART UNIT	PAPER NUMBER
			2125	

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/617,276	Applicant(s) WEGLEITNER ET AL.	
	Examiner Steven R. Garland	Art Unit 2125	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,7 and 16-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,7 and 16-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1,7,16-24 are pending. Claims 2-6 and 8-15 have been canceled.
2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/24/05 has been entered.
3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 1,7, and 16-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, line 6, "said tools and/or materials" lacks a proper antecedent basis. It appears "materials " should be --processes--.

In claim 1, lines 11-12, the phrase " a menu of tools and processes to be certified or recertified" is misdescriptive, since it is the user not the tools or processes which is being certified or recertified. Claim 7, lines 13-14 have a similar problem.

Claim 7, lines 8-9, "said user access means" lacks a clear antecedent basis.
Claim 16, line 8 has a similar problem.

Claim 17, lines 2-3, "the minimum training time limit" lacks a proper antecedent basis. It is suggested that "the" be changed to -- a--. Claims 19, 22 and 24 have a similar problem.

Claim 17, lines 5-6, appear misdescriptive, since it is determined whether the potential user (specialist) has the required prerequisite not if the trainer has the prerequisite. See figure 7 and its description. Similar comments apply to claim 19, lines 5-6.

Claim 21, lines 5, the phrase " said tools and/or unless " is unclear. It appears -- processes-- should be inserted before "unless".

Claim 22, lines 5-6, appear misdescriptive, since it is determined whether the potential user (specialist) has the required prerequisite not if the trainer has the prerequisite. See figure 7 and its description. Claim 24 has a similar problem. Also in claim 22, line 5, "the trainer" lacks a proper antecedent basis.

Claim 23 appear to contradict the limitations of parent claim 22 in regards to when an audit is or isn't performed. It appears that claim 23 should depend on claim 21 not claim 22.

The remaining claims fall with the parent claims.

5. Claims 1,7,16, and 21 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

6. Claims 17-20 and 22-24 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: Bly et al. 2002/0087345 and Hekmatpour 5,644,686 (both previously cited) are the closest art of record. The prior art however in regards to claim 1 fails to teach or suggest the claimed combination including said prohibiting step includes locking user access to said tools and/or processes until granting access according to said record and providing a training means with access for certifying and recertifying of a potential user including providing a menu of tools and processes to be certified or recertified and providing means for selection of tools and processes for the potential user to be certified or recertified to use and providing a listing for selection of trainers who are in the database to train the potential user to be certified or recertified. Similar comments apply to claim 7.

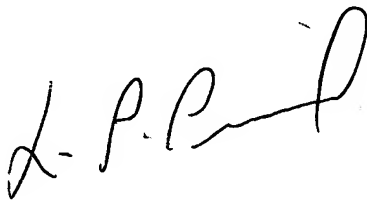
The prior art however in regards to claim 21 and its dependent claims fails to teach or suggest the claimed combination including prohibiting access to said tools and/or processes unless the user is certified according to said record at said certification database; auditing a person to be a user comprising the steps of determining if the audit is a subform or a primary form where said subform addresses devices that use unique combinations/sequences of steps to build a device and operations on a tool; and if a primary form or subform determining if the audit is an initial certification or recertification. Similar comments apply to claim 16 and its dependent claims.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven R. Garland whose telephone number is 571-272-3741. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on 571-272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



^{SR} Steven R Garland
Examiner
Art Unit 2125

10/27/05

LEO PICARD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100